O/Presy. S.C. Court/51

K 951

File No.

Legal Department

A BRANCH

Subject:—

Opinions under the

Presidency Small Causes Court

Act, 1882—

P-2 (E)

O. Presy S.C. Court/51

File No.

Gen. 194 e.

17-A

C O N T E N T S

Legal Department File No. O. Presy- S.C.Court/1951.

Sr.No.	A.I./O.No.	Subject.	Pages.
		Opinions under the Presidency Small causes Court Act,1882.	
1.	CaNo.8573/51-5-51.	Sec.19(a) Constitution of India, Act.362. Question whether in 1949 in Ex-Ruler of Baria was a Sovereign Prince or Ruling Chief.	1-2-

[illegible]

PHL 6/8

MMD 6/8

Office of the R.L.A.

Decree against Ruler of Baria.

Presidency small Cause Courts Act, 1882, Sec.19(u) and
Con-titution of India, Act.362.

R.L.A's opinion No.16815 dated 29-11 1950.

It appears that in suit No.3581 of 1949 in the small Causes Court, Bombay, an ex.parte decree had been passed against the Ex-Ruler of Baria. In execution proceedings the question has been raised whether the 1949 the Ruler was a Sovereign Prince of Ruling Chief. Before Ascertaining the exact position from the Government of India, the R.L.A. is requested to advise.

2. Under clause(u) of section 19 of the Presidency Small Cause Courts Act,1882, (XV of 1882), the small Cause Court has no jurisdiction in suits against inter alia Soverign Princes or Ruling Chiefs. Although under the agreement of merger the Ruler of Baria has ceded full and exclusive authority, jurisdiction and powers in relation to the governance of the State to the Government of India, under article 4 of the agreement, he is entitled to all personal privileges enjoyed by him before 15th August 1949. These privileges are not only guaranteed under article 5 of the agreement itself, but they also find constitutional recognition in article 362 of the Constitution. Although therefore Maharo Ranjitsingh may not be held a 'Ruling Chief' since he had ceded the administration, still the privileges enjoyed by him as a Ruling Chief before 15th August 1947 will have to be respected. The agreement of merger cannot be said to have affected his right to enjoy such privileges. (Vide R.L.A's opinion No.16815 dated 2941-1950.) It is however for the court to decide whether the Ruler of Baria is immune from the civil process (see clause 21 of the Memorandum on the personal privileges of the Rulers of the merged and integrated States.).

Sd/ J.R.D. 30/5

Remembrancer of Legal Affairs.

U.R. to P. & S.D.No.8573, dated the 31st May 1951.

EKN22/6/